



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,697	08/31/2001	Dietrich Charisius	TS1000	2142

23485 7590 09/17/2004

JINAN GLASGOW  
P O BOX 28539  
RALEIGH, NC 276118539

EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
----------	--------------

2171

16

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/944,697

**Applicant(s)**

CHARISIUS ET AL.

**Examiner**

Frantz Coby

**Art Unit**

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2171

This is in response to application filed on August 31, 2001 in which claims 1-64 are presented for examination.

**Status of Claims**

Claims 1-64 are pending.

***Information Disclosure Statement***

The information disclosure statement filed February 15, 2002 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file and the information referred to therein has been considered as to the merits.

**DETAILED ACTION**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-8, 55-64 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ghoneimy et al. U.S. Publication No. 2004/0078373 A1.

As per claims 3-4, Ghoneimy et al. discloses "a method in a data processing system comprising the steps of creating a workflow that model a process and generating a plan from the workflow that represents an instance of the process" and "creating a different plan from the workflow" by providing a workflow system and method (See Ghoneimy et al. Title) including mechanism for developing a workflow as well steps for creating a plan (See Ghoneimy et al. Page 24, claim 40).

As per claims 5-6, most of the limitations of these claims have been noted in the rejection of claims 3-4 above. Applicant's attention is directed to the rejection of claims 3-4 above. In addition, Ghoneimy et al. disclose the claimed features of "activating the plan to perform the instance of the process" and "activating the different plan" as initiating active process from the process template (See Ghoneimy et al. Page 24, claim 40).

As per claims 7-8, most of the limitations of these claims have been noted in the rejection of claims 3-4 above. Applicant's attention is directed to the rejection of claims 3-4 above. In addition, Ghoneimy et al. disclose the claimed features of "a method in a data processing having a virtual file system server connected to a network storage medium" (See Ghoneimy et al. Figures 1, 5, 7 and corresponding text). In particular, Ghoneimy et al. disclose the claimed feature of "storing the plan on the network storage medium" as storing the plan as a process template" (See Ghoneimy et al. Page 24, claim 40). Also, Ghoneimy et al. disclose the claimed limitations "using the virtual file

Art Unit: 2171

system server to retrieve a workflow from the network storage medium" through the database management system (See Ghoneimy et al. Abstract).

As per claims 55-56, all the limitations of these claims have been noted in the rejection of claims 5-6. They are therefore rejected as set forth above.

As per claims 57-58, all the limitations of these claims have been noted in the rejection of claims 7-8. They are therefore rejected as set forth above.

As per claims 59-63, all the limitations of these claims have been noted in the rejection of claims 7-8. They are therefore rejected as set forth above.

As per claims 64 all the limitations of this claim have been noted in the rejection of claims 3-4. It is therefore rejected as set forth above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2171

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2 and 9-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghoneimy et al. U.S. Publication No. 2004/0078373 A1.

As per claims 1-2, 9-54, virtual file server to retrieve activity stored on a network storage medium has been described in the rejection of claims 7-8 above. Applicant's attention is directed to the rejection of claims 7-8 above.

It is noted, however, Ghoneimy et al. did not specifically detail the claimed features of "receiving an indication of a start time for the task; and setting an end time for the task equal to the duration after the start time" as recited in the instant claim. However, Ghoneimy et al. had suggested the used of a "Production" workflow where tasks are regulated and are instructed to be performed at the appropriate time (See Ghoneimy et al. Page 1, Section 0009).

It would have been obvious to one of ordinary skill in the art at the time of the invention to improve on the suggestion of Ghoneimy et al. by setting a start and end time because, as suggested by Ghoneimy et al., that is useful for business functions in

Art Unit: 2171


which it is important to follow set of rules and also, that would ensure that a business process follows predetermined rules

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 703 305-4006. The examiner can normally be reached on Maxi-Flex (Monday-Saturday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Frantz Coby  
Primary Examiner  
Art Unit 2171

September 15, 2004